

SB180\_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB13-180 be amended as follows:

- 1 Amend printed bill, page 2, line 5, strike "2018." and substitute "2020."
- 2 Page 2, line 10, strike "(49.5)" and substitute "(51.5)".
- 3 Page 2, line 11, strike "(49.5) (e)" and substitute "(51.5) (d)".
- 4 Page 3, line 5, strike "(49.5)" and substitute "(51.5)".
- 5 Page 3, line 6, strike "2018:" and substitute "2020:".
- 6 Page 3, line 7, strike "(e)" and substitute "(d)".
- 7 Page 3, line 11, strike "(9) (c) (VII)," and after "(IX)," insert "(9) (c)
- 8 (XII), (9) (c) (XIII),".
- 9 Page 3, line 12, after "(6.5)" insert "and (9) (c) (XIV)".
- 10 Page 3, strike lines 17 through 22 and substitute "and occupational
- 11 therapy assistants. ~~An aide shall function only under the guidance,~~
- 12 ~~responsibility, and supervision of a registered occupational therapist. The~~
- 13 ~~aide shall perform only specifically selected tasks for which the aide has~~
- 14 ~~been trained and has demonstrated competence to the registered~~
- 15 ~~occupational therapist or occupational therapy assistant."~~
- 16 Page 4, line 13, strike "functions" and substitute "functions, SENSORY".
- 17 Page 4, strike lines 15 and 16.
- 18 Page 4, after line 22 insert:
- 19 "(XII) Management of feeding, eating, and swallowing to enable
- 20 eating and feeding performance; and
- 21 (XIII) Application of physical agent modalities and therapeutic
- 22 procedures such as wound management; techniques to enhance sensory,
- 23 perceptual, and cognitive processing; and manual techniques to enhance
- 24 performance skills; AND
- 25 (XIV) THE USE OF TELEHEALTH PURSUANT TO RULES AS MAY BE
- 26 ADOPTED BY THE DIRECTOR."



- 1 Page 5, line 23, strike "assistants. (1) Except" and substitute "assistants  
2 - repeal. (1) (a) PRIOR TO JUNE 1, 2014, except".
- 3 Page 5, line 26, strike "registration LICENSE" and substitute "registration".
- 4 Page 6, line 1, after "article." add "BEFORE JUNE 1, 2014, REFERENCES IN  
5 THIS ARTICLE TO "LICENSE" INCLUDE "REGISTRATION" AND REFERENCES  
6 TO "LICENSEE" AND "OCCUPATIONAL THERAPIST" INCLUDE "REGISTRANT"  
7 AND "OCCUPATIONAL THERAPIST", RESPECTIVELY, AS THOSE TERMS WERE  
8 DEFINED PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION (1), AS  
9 AMENDED.
- 10 (b) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JUNE 1, 2014.
- 11 (2) (a) ON AND AFTER JUNE 1, 2014, EXCEPT AS OTHERWISE  
12 PROVIDED IN THIS ARTICLE, A PERSON SHALL NOT PRACTICE  
13 OCCUPATIONAL THERAPY OR REPRESENT HIMSELF OR HERSELF AS BEING  
14 ABLE TO PRACTICE OCCUPATIONAL THERAPY IN THIS STATE WITHOUT  
15 POSSESSING A VALID LICENSE ISSUED BY THE DIRECTOR IN ACCORDANCE  
16 WITH THIS ARTICLE AND RULES ADOPTED PURSUANT TO THIS ARTICLE.
- 17 (b) ON JUNE 1, 2014, EACH ACTIVE OCCUPATIONAL THERAPY  
18 REGISTRATION BECOMES AN ACTIVE OCCUPATIONAL THERAPY LICENSE BY  
19 OPERATION OF LAW. THE CONVERSION FROM REGISTRATION TO LICENSURE  
20 DOES NOT:
- 21 (I) AFFECT ANY PRIOR DISCIPLINE, LIMITATION, OR CONDITION  
22 IMPOSED BY THE DIRECTOR ON AN OCCUPATIONAL THERAPIST'S  
23 REGISTRATION;
- 24 (II) LIMIT THE DIRECTOR'S AUTHORITY OVER ANY REGISTRANT; OR
- 25 (III) AFFECT ANY PENDING INVESTIGATION OR ADMINISTRATIVE  
26 PROCEEDING.
- 27 (c) THE DIRECTOR SHALL TREAT ANY APPLICATION FOR AN  
28 OCCUPATIONAL THERAPY REGISTRATION PENDING ON JUNE 1, 2014, AS AN  
29 APPLICATION FOR LICENSURE, WHICH APPLICATION IS SUBJECT TO THE  
30 REQUIREMENTS ESTABLISHED BY THE DIRECTOR."
- 31 Renumber succeeding subsection accordingly.
- 32 Page 6, line 2, strike "EXCEPT" and substitute "ON AND AFTER JUNE 1,  
33 2014, EXCEPT".
- 34 Page 6, line 9, after "(a)," insert "(3),".
- 35 Page 6, after line 19 insert:



1           "(3) **Examination.** Each applicant shall pass a nationally  
2 recognized examination approved by the director ~~The examination shall~~  
3 ~~measure~~ THAT MEASURES the minimum level of competence necessary for  
4 ~~consumer protection. The director may contract for assistance in creating~~  
5 ~~and administering the examination~~ PUBLIC HEALTH, SAFETY, AND  
6 WELFARE."

7 Page 7, line 7, strike "continued" and substitute "continued".

8 Page 8, line 9, strike "assistants." and substitute "assistants and aides."

9 Page 9, line 9, after "PROCEDURE;" add "AND".

10 Page 9, line 11, strike "TRAINING; AND" and substitute "TRAINING."

11 Page 9, strike line 12 and substitute:

12           "(3) AN AIDE SHALL FUNCTION ONLY UNDER THE GUIDANCE,  
13 RESPONSIBILITY, AND SUPERVISION OF AN OCCUPATIONAL THERAPIST OR  
14 OCCUPATIONAL THERAPY ASSISTANT. THE AIDE SHALL PERFORM ONLY  
15 SPECIFICALLY SELECTED TASKS FOR WHICH THE AIDE HAS BEEN TRAINED  
16 AND HAS DEMONSTRATED COMPETENCE TO THE OCCUPATIONAL THERAPIST  
17 OR OCCUPATIONAL THERAPY ASSISTANT. THE SUPERVISING OCCUPATIONAL  
18 THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT SHALL SUPERVISE THE  
19 AIDE IN A MANNER THAT ENSURES COMPLIANCE WITH THIS SUBSECTION (3)  
20 AND IS SUBJECT TO DISCIPLINE UNDER SECTION 12-40.5-110 FOR FAILURE  
21 TO PROPERLY SUPERVISE AN AIDE."

22 Page 9, line 23, strike "THE DIRECTOR".

23 Page 9, line 24, strike "SHALL NOT AUTHORIZE", strike "shall" and  
24 substitute "shall", and strike "to" and substitute "to NOT".

25 Page 10, line 3, strike "(l)" and substitute "(l), (2) (m), (17), (18), and  
26 (19)".

27 Page 10, line 11, strike "LICENSE" and substitute "LICENSE; PLACE A  
28 LICENSEE ON PROBATION; ISSUE A LETTER OF ADMONITION TO A  
29 LICENSEE;"

30 Page 11, strike lines 21 through 24 and substitute:



1           "(III) AN ACT OR OMISSION THAT IS CONTRARY TO GENERALLY  
2    ACCEPTED STANDARDS OF THE PRACTICE OF OCCUPATIONAL THERAPY;  
3           (I) HAS FAILED TO PROVIDE ADEQUATE OR PROPER SUPERVISION OF  
4    A LICENSED OCCUPATIONAL THERAPY ASSISTANT, OF AN AIDE, OR OF ANY  
5    UNLICENSED PERSON IN THE OCCUPATIONAL THERAPY PRACTICE; OR".

6    Reletter succeeding paragraph accordingly.

7    Page 13, after line 17 insert:

8           "(17) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
9    INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES  
10   NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE DISMISSED AS BEING  
11   WITHOUT MERIT, THE DIRECTOR MAY SEND A LETTER OF ADMONITION TO  
12   THE LICENSEE.

13          (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A  
14   LICENSEE, THE DIRECTOR SHALL NOTIFY THE LICENSEE OF THE LICENSEE'S  
15   RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF  
16   THE LETTER, THAT FORMAL DISCIPLINARY PROCEEDINGS BE INITIATED TO  
17   ADJUDICATE THE PROPRIETY OF THE CONDUCT DESCRIBED IN THE LETTER  
18   OF ADMONITION.

19          (c) IF THE LICENSEE TIMELY REQUESTS ADJUDICATION, THE  
20   DIRECTOR SHALL VACATE THE LETTER OF ADMONITION AND PROCESS THE  
21   MATTER BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

22          (18) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
23   INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE  
24   DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, SHOULD BE DISMISSED,  
25   BUT THE DIRECTOR HAS NOTICED CONDUCT BY THE LICENSEE THAT COULD  
26   LEAD TO SERIOUS CONSEQUENCES IF NOT CORRECTED, THE DIRECTOR MAY  
27   SEND A CONFIDENTIAL LETTER OF CONCERN TO THE LICENSEE.

28          (19) ANY PERSON WHOSE LICENSE IS REVOKED OR WHO  
29   SURRENDERS HIS OR HER LICENSE TO AVOID DISCIPLINE UNDER THIS  
30   SECTION IS INELIGIBLE TO APPLY FOR A LICENSE UNDER THIS ARTICLE FOR  
31   AT LEAST TWO YEARS AFTER THE DATE THE LICENSED IS REVOKED OR  
32   SURRENDERED."

33   Page 16, line 2, strike "EXAMINATION AND".

34   Page 16, line 3, strike "A PERSON WHO FAILS AN".

35   Page 16, strike lines 4 and 5.

- 1 Page 16, strike lines 11 and 12 and substitute "PUBLIC HEALTH, SAFETY,  
2 AND WELFARE."
- 3 Page 17, line 2, strike "CONTINUED".
- 4 Page 17, line 13, strike "SHALL APPLY FOR RENEWAL OF A" and substitute  
5 "MUST RENEW HIS OR HER" and after "ARTICLE" insert "ACCORDING TO A  
6 SCHEDULE OF RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE  
7 OCCUPATIONAL THERAPY ASSISTANT MUST SUBMIT AN APPLICATION".
- 8 Page 17, line 14, strike "DIRECTOR." and substitute "DIRECTOR AND SHALL  
9 PAY A RENEWAL FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR."
- 10 Page 17, line 22, strike "HAS".
- 11 Page 17, line 23, strike "EXPIRED" and substitute "EXPIRES".
- 12 Page 17, strike lines 25 through 27.
- 13 Page 18, strike line 1.
- 14 Page 21, line 4, strike "OR".
- 15 Page 21, strike line 5.
- 16 Page 21, line 6, strike "ESTABLISHED IN SECTION 12-40.5-114.7".
- 17 Page 21, strike lines 23 through 25 and substitute "DIRECTOR."
- 18 Page 22, strike lines 17 through 27.
- 19 Strike pages 23 through 25.
- 20 Page 26, strike lines 1 through 24 and substitute:
- 21 **"12-40.5-114.7. Professional liability insurance required -**  
22 **rules.** (1) A PERSON SHALL NOT PRACTICE OCCUPATIONAL THERAPY  
23 UNLESS THE PERSON PURCHASES AND MAINTAINS, OR IS COVERED BY,  
24 PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT DETERMINED BY THE  
25 DIRECTOR BY RULE THAT COVERS ALL ACTS WITHIN THE SCOPE OF  
26 PRACTICE OF THE OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY

1 ASSISTANT.

2 (2) THIS SECTION DOES NOT APPLY TO AN OCCUPATIONAL  
3 THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT WHO IS A PUBLIC  
4 EMPLOYEE ACTING WITHIN THE COURSE AND SCOPE OF THE PUBLIC  
5 EMPLOYEE'S DUTIES AND WHO IS GRANTED IMMUNITY UNDER THE  
6 "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24,  
7 C.R.S."

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HB1104\_L.003

## SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.HB13-1104 be amended as follows:

- 1 Amend reengrossed bill, page 3, line 4, before "(2)" insert "(1) (c)".
- 2 Page 3, line 26, strike "The" and substitute "BY JANUARY 31, 2014, the".
- 3 Page 4, after line 19 insert:
  - 4 "(c) The director may select an entity to administer the mental
  - 5 health professional peer assistance program. An administering entity must
  - 6 be a nonprofit private foundation that is qualified under section 501 (c)
  - 7 (3) of the federal "Internal Revenue Code of 1986", as amended, and that
  - 8 is dedicated to providing support for charitable, benevolent, educational,
  - 9 and scientific purposes that ~~are~~ MAY BE related to mental health
  - 10 professions, mental health professional education, mental health research
  - 11 and science, and other mental health charitable purposes."

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